

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

| | | |
|-------------------------------|---|--------------------------|
| IN RE: | § | |
| | § | |
| REAGOR-DYKES MOTORS, LP et al | § | Case No. 18-50214-rlj-11 |
| | § | Jointly Administered |
| Debtors | § | |

| | | |
|-----------------------------------|---|----------------------------|
| REAGOR AUTO MALL LTD.; | § | |
| REAGOR-DYKES AMARILLO, LP; | § | |
| REAGOR-DYKES FLOYDADA, LP; | § | |
| REAGOR-DYKES IMPORTS, LP; | § | |
| REAGOR-DYKES AUTO COMPANY, LP | § | |
| REAGOR-DYKES PLAINVIEW, LP; | § | |
| REAGOR-DYKES MOTORS, LP; and | § | |
| REAGOR-DYKES SNYDER, LP, | § | |
| Plaintiffs | § | |
| | § | |
| V. | § | Adversary No. 20-05002-rlj |
| | § | |
| FIRSTCAPITAL BANK OF TEXAS, N.A., | § | |
| Defendant. | § | |

JOINT REQUEST FOR STATUS CONFERENCE

The Plaintiffs and the Defendant FirstCapital Bank of Texas, N.A. (“FirstCapital”) requests status conference with the Court to discuss the provisions and deadlines of a scheduling order for the following reasons:

1. The Plaintiffs and FirstCapital file this Joint Request for Status Conference to discuss the provisions and deadlines of a scheduling order for the reason that the parties have been unable to reach agreement on a scheduling order. This request is made pursuant to the Court’s Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order (Doc. No. 5, Part II, paragraph 3).
2. The Plaintiffs propose the schedule attached hereto as Exhibit A.
3. FirstCapital proposes the schedule attached hereto as Exhibit B.

WHEREFORE, the Plaintiffs and FirstCapital request a status conference with the Court to discuss the provisions and deadlines of a scheduling order.

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| Defendant. | § | |

[PROPOSED] SCHEDULING ORDER

Upon consideration of the Joint Motion for Entry of Scheduling Order, the Court hereby ORDERS the following:

1. **DOCKET CALL** – Docket Call for shall be held on February 15, 2021 at ____, __m. at Room 314, 1205 Texas Avenue, Lubbock, Texas. The case shall be set thereafter for pre-trial conference and trial by the Court.

2. **DISCLOSURES** – The parties shall make Bankruptcy Rule 7026(a) disclosures within fourteen (14) days of entry of this Order.

3. **FACT DISCOVERY** – Fact discovery must be completed by September 19, 2020. Written discovery shall be served so that responses are due by September 19, 2020.

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| EXHIBIT A |
|----------------------------|

4. **EXPERT DISCOVERY** – Bankruptcy Rule 7026(a)(2)(A),(B), and (C) expert disclosures for parties bearing the burden of proof on affirmative claims and defenses shall be made by October 16, 2020 . The same disclosures for rebuttal experts shall be made by November 13, 2020. Depositions of all experts shall be taken by December 31, 2020.

5. **OBJECTIONS TO EXPERTS** – Objections to experts shall be made by written motion filed not later than January 4, 2021 Responses shall be filed by January 18, 2021. Replies shall be filed by January 25, 2021. Unless ordered otherwise, all such motions must be heard no later than fourteen days prior to Docket Call.

6. **DISPOSITIVE MOTIONS** – Dispositive motions shall be filed no later than January 4, 2021. Responses shall be filed by January 18, 2021. Replies shall be filed by January 25, 2021. Unless ordered otherwise, all dispositive motions must be heard no later than fourteen (14) days prior to Docket Call.

7. **JOINT PRETRIAL ORDER** – A Joint Pretrial Order in compliance with Local District Court Rule 16.4 shall be filed, served, and uploaded for Court entry seven (7) days prior to Docket Call. All counsel are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of the case; and (g) the signature of each attorney.

8. **EXHIBITS AND WITNESSES** – Each exhibit shall be marked with an exhibit label. Except for impeachment documents, all exhibits, along with a list of witnesses to be called, shall be exchanged with opposing counsel fourteen (14) days prior to Docket Call. Each party shall also file a list of exhibits and witnesses fourteen (14) days prior to Docket Call. All exhibits

not objected to in writing by Docket Call shall be admitted into evidence at trial without further proof, except for objections to relevance. Written objections to exhibits will be taken up either at the beginning or during the course of the actual trial or at any pretrial conference.

9. **FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TRIAL BRIEFS**

–Written Proposed Findings of Fact and Conclusions of Law shall be filed seven (7) days prior to Docket Call. Trial briefs shall be filed addressing contested issues of law seven (7) days prior to Docket Call.

10. **COMPLIANCE WITH ORDER** – All parties and counsel must certify to full compliance with this Order at Docket Call. If a resetting is allowed by the Court, the Plaintiffs’ attorney shall notify all other parties and shall file with the Clerk a certificate of service indicating the manner, date, and to whom notice was given.

11. **SANCTIONS** – Sanctions may be imposed for failure to comply with this Order.

12. **MODIFICATION OF DEADLINES** – The deadlines in this Agreed Scheduling can only be modified by agreement of the parties for good cause with the Court’s consent.

END OF ORDER

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| Defendant. | § | |

AGREED SCHEDULING ORDER

Upon consideration of the Joint Motion for Entry of Scheduling Order, the Court hereby
ORDERS the following:

**EXHIBIT
B**

1. **DOCKET CALL** – Docket Call for shall be held on June ___, 2021 at ___, __m. at Room 314, 1205 Texas Avenue, Lubbock, Texas. The case shall be set thereafter for pre-trial conference and trial by the Court.

2. **DISCLOSURES** – The parties shall make Bankruptcy Rule 7026(a) disclosures within fourteen (14) days of entry of this Order.

3. **FACT DISCOVERY** – Fact discovery must be completed by **November 20, 2020**. Written discovery shall be served so that responses are due by **November 20, 2020**.

4. **EXPERT DISCOVERY** – Bankruptcy Rule 7026(a)(2)(A),(B), and (C) expert disclosures for parties bearing the burden of proof on affirmative claims and defenses shall be made by **December 18, 2020**. The same disclosures for rebuttal experts shall be made by **January 22, 2021**. Depositions of all experts shall be taken by **February 19, 2021**.

5. **OBJECTIONS TO EXPERTS** – Objections to experts shall be made by written motion filed not later than **March 12, 2021**. Responses shall be filed by **April 2, 2021**. Replies shall be filed by **April 16, 2021**. Unless ordered otherwise, all such motions must be heard no later than fourteen days prior to Docket Call.

6. **DISPOSITIVE MOTIONS** – Dispositive motions shall be filed no later than **March 12, 2021**. Responses shall be filed by **April 2, 2021**. Replies shall be filed by **April 16, 2021**. Unless ordered otherwise, all dispositive motions must be heard no later than fourteen (14) days prior to Docket Call.

7. **JOINT PRETRIAL ORDER** – A Joint Pretrial Order in compliance with Local District Court Rule 16.4 shall be filed, served, and uploaded for Court entry seven (7) days prior to Docket Call. All counsel are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of

stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of the case; and (g) the signature of each attorney.

8. **EXHIBITS AND WITNESSES** – Each exhibit shall be marked with an exhibit label. Except for impeachment documents, all exhibits, along with a list of witnesses to be called, shall be exchanged with opposing counsel fourteen (14) days prior to Docket Call. Each party shall also file a list of exhibits and witnesses fourteen (14) days prior to Docket Call. All exhibits not objected to in writing by Docket Call shall be admitted into evidence at trial without further proof, except for objections to relevance. Written objections to exhibits will be taken up either at the beginning or during the course of the actual trial or at any pretrial conference.

9. **FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TRIAL BRIEFS** – Written Proposed Findings of Fact and Conclusions of Law shall be filed seven (7) days prior to Docket Call. Trial briefs shall be filed addressing contested issues of law seven (7) days prior to Docket Call.

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11. **SANCTIONS** – Sanctions may be imposed for failure to comply with this Order.

12. **MODIFICATION OF DEADLINES** – The deadlines in this Agreed Scheduling can only be modified by agreement of the parties for good cause with the Court's consent.

END OF ORDER